



**U.S. Department of Justice**

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November 14, 2012

Susan Gelmis, Esq.  
Supervising Staff Attorney  
United States Court of Appeals  
for the Ninth Circuit  
The James R. Browning Courthouse  
95 7th Street,  
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by email:

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RE: *In re: Application For Exemption From Electronic Public Access  
Fees By Jennifer Gollan And Shane Shifflett*, No. 12-16373 (9th Cir.)

Dear Ms. Gelmis:

Our office has received the Court's order in the captioned case dated October 24, 2012, requesting that the United States Department of Justice notify the Court by November 21, 2012 whether the Department "will appear on behalf of the Judicial Conference and/or Administrative Office of the Courts through an appearance as amicus curiae or as an intervenor in this appeal." We are consulting with interested government agencies and components, including the Administrative Office of United States Courts, to determine whether and in what capacity participation would be warranted.

Pursuant to 28 C.F.R. § 0.20(c), the Solicitor General must determine whether the government will participate as amicus curiae or intervene in any appellate court. That determination requires consultation and coordination among the Office of the Solicitor General, the Civil Division, and any interested government agencies or components. That process will require additional time, and we will be unable to comply with the Court's request for notification by November 21, 2012.

Accordingly, we respectfully request that the Court provide additional time to accommodate the process required to determine whether and in what capacity the government will participate in the captioned appeal. We anticipate that 30 days should suffice to allow the Solicitor General time to make that determination. Accordingly, we will endeavor to notify the Court by December 21, 2012, whether the Department of Justice will appear on behalf of the Judicial Conference or the Administrative Office of United States Courts either as amicus curiae or as an intervenor.

Please contact me directly if you have any questions. Copies of this letter have been sent by email to appellants' counsel, as shown below.

Sincerely,

s/ H. Thomas Byron III  
H. THOMAS BYRON III  
Attorney

cc (by email):

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